

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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:  
SECURITIES INVESTOR  
PROTECTION CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.  
:  
:  
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SIPA LIQUIDATION  
(Substantively Consolidated)  
Adv. Pro. No. 08-01789 (BRL)

**NOTICE OF APPEAL  
AND PROTECTIVE MOTION  
FOR LEAVE TO APPEAL**

In re:

BERNARD L. MADOFF,

Debtor.  
:  
:  
----- X

PLEASE TAKE NOTICE that Carl J. Shapiro, together with certain family members and the Carl and Ruth Shapiro Family Foundation (“Appellants”),<sup>1</sup> hereby appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit from the Order entered by the United States Bankruptcy Court for the Southern District of New York in the above-

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<sup>1</sup> This notice is submitted on behalf of the following customers that filed SIPA claims in this proceeding: Andrew Jaffe Trust U/D/T DTD 5/12/75 As Amended; Andrew N. Jaffe 1993 Irrev. Trust U/D/T DTD 6/11/93 As Amended; Carl Shapiro Trust U/D/T 4/9/03; Carl Shapiro and Ruth Shapiro Family Foundation; Ellen Jaffe Trust U/D/T DTD 5/8/03 As Amended; Jaffe Family 2004 Irrevocable Trust; Jaffe GC-1 LLC; Jennifer Segal Herman Trust U/D/T DTD 5/1/67 As Amended; Jennifer Segal Herman 1985 Trust Dated 4/16/84; Jonathan M. Segal Trust U/D/T DTD 12/1/70; Jonathan M. Segal 1989 Trust U/D/T DTD 3/8/89 As Amended; Jonathan M. Segal 2007 Trust; Kimberly Strauss 1988 Trust; Kimberly Strauss 2006 Irrevocable Trust; L. Shapiro Family Trust; Linda Shapiro Family Trust Dated 12/03/76; Linda Shapiro Waintrup 1992 Trust; LSW 2006 Irrevocable Trust; Michael S. Jaffe Trust U/D/T 9/25/71 As Amended; Michael Jaffe 1989 Trust U/D/T DTD 8/24/89 As Amended; Michael S. Jaffe 2007 Trust; Rhonda Shapiro Zinner 1993 Trust U/D/T DTD 7/7/93 As Amended; RSZ-JSH Partnership; Ruth Shapiro Trust U/D/T 4/9/03; Samantha Strauss 1985 Trust; Samantha L. Strauss 2003 Irrevocable Trust; Shapiro Family CLAT Joint Venture; Shapiro Family Ltd. Partnership; Shapiro GGC-1 LLC; Steven C. Jaffe Trust U/D/T DTD 9/25/71 As Amended; Steven Jaffe 1989 Trust U/D/T DTD 8/24/89 As Amended; and Steven C. Jaffe 2007 Trust.

referenced proceeding on March 8, 2010 (the “Order,” attached hereto as Exhibit A), pursuant to the Certification of Net Equity Order issued by the Bankruptcy Court on March 8, 2010 (the “Certification,” attached hereto as Exhibit B).

PLEASE TAKE FURTHER NOTICE that in the event that the United States Court of Appeals for the Second Circuit does not authorize the appeal, Appellants in the alternative hereby appeal the Order under 28 U.S.C. § 158(a)(1) to the United States District Court for the Southern District of New York.

In the event that it is necessary, this Notice should be deemed a motion for leave to appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit or under 28 U.S.C. § 158(a)(3) to the United States District Court for the Southern District of New York for the reasons set forth in the Certification, the Order, and the Memorandum Decision dated March 1, 2010 granting the Trustee’s motion for the Order (the latter attached hereto as Exhibit C).

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